IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/06/2003

CORAM

THE HONOURABLE MR.JUSTICE M. CHOCKALINGAM

C.R.P.(P.D.)NO.1047 OF 2003
AND
C.M.P.NO.6881 OF 2003

R. Lakshmana Perumal .. Petitioner

-Vs-

Mrs. M. Rajamani .. Respondent

This civil revision petition is preferred under Section 115 of C.P.C. against the order dated 31.3.2003 made in I.A.No.198 of 2003 in O.S.No.597 of 1999 on the file of the learned Principal District Munsif, Karur.

!For Petitioner : Ms.A.Prabhavathy
for M/s. Lakshmipriya Associates

^For Respondent : ---

:ORDER

No case is made out by the petitioner herein to interfere with the order of the court below.
2. It was a suit for permanent injunction, in which an Advocate Commissioner was appointed for the inspection of the suit property. He inspected the suit property and filed a report. After filing of the report, no objection was filed by the petitioner herein/defendant. The instant application has been filed to reissue the commission warrant after the plaintiff's evidence was over and when the defendant was to march his evidence.
3. Admittedly, it was a suit for injunction. The Commissioner was appointed, who made inspection of the suit property. But, the defendant did not file any objection therefor. Now, the plaintiff's evidence was over and the defendant has to march his evidence. Hence, at this stage, this application for the reissue of the commission warrant was nothing, but to drag on the suit proceedings and the application was liable to be dismissed. Accordingly, it was dismissed by the lower court. The lower court was perfectly correct in rejecting the request for the reasons stated in the order. Therefore, the Court is unable to see any reason to interfere in the order of the court below. No infirmity or illegality is noticed in the order of the lower court. Hence, this civil revision petition fails and the same is

dismissed. Consequently, connected CMP is also dism issed.

Index : Yes
Internet : Yes

vvk

To

The Principal District Munsif, Karur